

Adopted	Rejected
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COMMITTEE REPORT

YES:	14
NO:	0

MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 36-7-18-4 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A unit may
- 5 establish a housing authority if the fiscal body of the unit, by
- 6 resolution, declares that there is a need for an authority in the unit.
- 7 (b) The determination as to whether or not there is a need for an
- 8 authority may be made by the fiscal body:
- 9 (1) on its own motion;
- 10 (2) on the filing of a petition signed by twenty-five (25) residents
- 11 of the unit and stating that there is a need for an authority in the
- 12 unit; or
- 13 (3) on receipt of an order from the division of family and children.
- 14 (c) A resolution may be passed under this section only after a public

1 hearing. Notice of the time, place, and purpose of the hearing must be
 2 given by the fiscal body by publication in accordance with IC 5-3-1.

3 (d) The fiscal body of a unit may adopt a resolution declaring that
 4 there is need for a housing authority in the unit if it finds that:

5 (1) unsanitary or unsafe dwelling accommodations are inhabited
 6 in the unit; or

7 (2) there is a shortage of safe or sanitary dwelling
 8 accommodations available in the unit for persons of low income
 9 at rentals they can afford.

10 In determining whether dwelling accommodations are unsafe or
 11 unsanitary, the fiscal body may consider the degree of overcrowding,
 12 the percentage of land coverage, the light, air, space, and access
 13 available to inhabitants, the size and arrangement of the rooms, the
 14 sanitary facilities, and the extent to which conditions in the buildings
 15 endanger life or property by fire or other causes.

16 (e) In any proceeding involving any contract of a housing authority,
 17 the authority shall be conclusively presumed to have become
 18 established and authorized to transact business and exercise its powers
 19 under this chapter on proof of the adoption of a resolution by the fiscal
 20 body declaring the need for the authority. The resolution is sufficient
 21 if it declares that there is a need for an authority and finds that either or
 22 both of the conditions listed in subsection (d) exist in the unit. A copy
 23 of the resolution certified by the clerk of the fiscal body is admissible
 24 in evidence in any proceeding.

25 **(f) A fiscal body that adopts a resolution under this section shall**
 26 **specify in the resolution whether the housing authority of the unit**
 27 **shall have five (5) commissioners or seven (7) commissioners."**

28 Page 1, delete lines 6 through 17, begin a new line block indented
 29 and insert:

30 "(1) In a city, the fiscal body shall promptly notify the city
 31 executive of the adoption of the resolution. The executive shall
 32 then appoint **either:**

33 **(A) five (5) persons:**

34 **(i) one (1) of whom must be a person directly assisted by**
 35 **the housing authority, unless the housing authority is**
 36 **described in subsection (d); and**

37 **(ii) not more than three (3) of whom may be of the same**
 38 **political party;**

- 1 **as commissioners of the housing authority; or**
 2 **(B) seven (7) persons:**
 3 (i) one (1) of whom must be a ~~resident of a housing project~~
 4 ~~under the jurisdiction of person directly assisted by the~~
 5 housing authority, **unless the housing authority is**
 6 **described in subsection (d); and**
 7 (ii) no more than four (4) of whom may be of the same
 8 political party;
 9 as commissioners of the housing authority;
 10 **as specified under subsection (f) in the resolution adopted by**
 11 **the fiscal body of the city.**
 12 (2) In a town or county, the fiscal body shall appoint **either:**
 13 **(A) five (5) persons:**
 14 (i) one (1) of whom must be a person directly assisted by
 15 the housing authority, **unless the housing authority is**
 16 **described in subsection (d); and**
 17 (ii) not more than three (3) of whom may be of the same
 18 political party;
 19 **as commissioners of the housing authority; or**
 20 **(B) seven (7) persons:**
 21 (i) one (1) of whom must be a person directly assisted by the
 22 housing authority, **unless the housing authority is**
 23 **described in subsection (d); and**
 24 (ii) no more than four (4) of whom may be of the same
 25 political party;
 26 as commissioners of the housing authority;
 27 **as specified under subsection (f) in the resolution adopted by**
 28 **the fiscal body of the town or county."**
 29 Page 2, delete line 1.
 30 Page 2, delete lines 7 through 19, begin a new paragraph and insert:
 31 **"(d) The provisions of subsections (a)(1) and (a)(2) requiring**
 32 **that one (1) commissioner of a housing authority be a person**
 33 **directly assisted by the housing authority do not apply to:**
 34 **(1) a housing authority that:**
 35 **(A) has less than seventy-five (75) units;**
 36 **(B) provides at least thirty (30) days notice to the residents**
 37 **under the jurisdiction of the housing authority of the**
 38 **opportunity to serve as a housing authority commissioner**

- 1 **by:**
- 2 **(i) posting a notice in public areas under the jurisdiction**
- 3 **of the housing authority; and**
- 4 **(ii) sending a notice by first class mail to each resident**
- 5 **under the jurisdiction of the housing authority;**
- 6 **(C) has not been notified by a resident of the resident's**
- 7 **interest in being appointed a housing authority**
- 8 **commissioner; and**
- 9 **(D) repeats the notification of the opportunity to serve as**
- 10 **a housing authority commissioner as described in clause**
- 11 **(B) to the residents under the jurisdiction of the housing**
- 12 **authority:**
- 13 **(i) upon the occurrence of each opening on the housing**
- 14 **authority commission for a resident commission**
- 15 **member; and**
- 16 **(ii) at least once each year; or".**
- 17 Page 2, delete lines 22 through 25.
- 18 Page 2, line 28, delete "subsection" and insert "**subsections**".
- 19 Page 2, line 28, after "(b)" insert "**and (c),**".
- 20 Page 2, line 31, after "(5)" insert "**commissioners on July 1, 2001,**
- 21 **and elects to have seven (7)".**
- 22 Page 2, line 31, strike "before".
- 23 Page 2, line 32, strike "July 1, 2001,".
- 24 Page 2, delete lines 36 through 40, begin a new line block indented
- 25 and insert:
- 26 "the housing authority, ~~who~~ **unless:**
- 27 **(A) the housing authority is not required to have a resident**
- 28 **member under IC 36-7-18-5(d); or**
- 29 **(B) the housing authority already has a person directly**
- 30 **assisted by the housing authority serving as a member of**
- 31 **the authority.**
- 32 **The commissioner appointed under this subdivision ~~who~~**
- 33 serves an initial term of one (1) year, and ~~who~~ may be
- 34 reappointed.".
- 35 Renumber all SECTIONS consecutively.
- (Reference is to HB 1122 as introduced.)

and when so amended that said bill do pass.

Representative Stevenson